1	MITCHELL D. GLINER, ESQ.						
2	Nevada Bar #003419 3017 W. Charleston Blvd., #95						
3	Las Vegas, NV 89102						
4	(702) 870-8700 (702) 870-0034 Fax						
5	Attorney for Plaintiff						
6	UNITED STATES DISTRICT COURT DISTRICT OF NEVADA						
7							
8	JASON KENNEDY,)					
9	Plaintiff,						
10	,) No.					
11	VS.))					
12	MEDICAL DATA SYSTEMS, INC. d/b/a MEDICAL REVENUE						
13	SERVICE,)					
14	Defendant.) JURY DEMANDED)					
15)					
16	CO	MPLAINT					
17	JURISDICTION						
18	1. The jurisdiction of this Court a	attains pursuant to the FDCPA, 15 U.S.C.					
19	§ 1692k(d), 28 U.S.C. § 1331, 28 U.S.C. § 13	332, and the doctrine of supplemental jurisdiction.					
20	Venue lies in the Southern Division of the Ju-	dicial District of Nevada as Plaintiff's claims arose					
21	from acts of the Defendant(s) perpetrated the	rein.					
22							
23	PRELIMINA	ARY STATEMENT					
24	2. This action is instituted in acco	ordance with and to remedy Defendant's violations					
25	of the Federal Fair Debt Collection Practices	Act, 15 U.S.C § 1692 et seq. (hereinafter					
26	"FDCPA"), and of related state law obligations brought as supplemental claims hereto.						
27	3. In 2015, Defendant initiated a campaign of abusive, unfair, unreasonable, and						
28	unlawful debt collection activity directed against Plaintiff.						

4. As a result of these and other violations of law, Plaintiff seeks hereby to recover actual and statutory damages together with reasonable attorney's fees and costs.

PARTIES

- 5. Plaintiff, Jason Kennedy, is a natural person who resides in Las Vegas, Nevada, and is a "consumer" as defined by 15 U.S.C. Section 1692a(3) and allegedly owes a "debt" as defined by 15 U.S.C. Section 1692a(5).
- 6. Defendant, Medical Data Systems, Inc. d/b/a Medical Revenue Service, is a Foreign Corporation, the principal purpose of whose business is the collection of debts, operating a debt collection agency from its principal place of business in Vero Beach, FL, and regularly collects or attempts to collect debts owed or due or asserted to be owed or due another, and is a "debt collector" as defined by 15 U.S.C. Section 1692a(6).

FACTUAL ALLEGATIONS

- 7. Plaintiff(s) repeat, reallege and assert all factual allegations contained in the preliminary statement to this Complaint and reassert them as incorporated in full herein.
 - 8. On February 23, 2015 Defendant dunned Plaintiff for an alleged medical debt.
 - 9. On February 24, 2015 Defendant called Plaintiff from (866) 631-4680.
 - 10. Plaintiff immediately advised Defendant to stop calling him.
- 11. On March 2, 2015 Plaintiff wrote Defendant advising of his <u>refusal to pay</u> (Exhibit 1).
 - 12. Defendant received Exhibit 1 on March 7, 2015 (Exhibit 2).
- 13. Plaintiff's written <u>refusal to pay</u> required Defendant cease and desist all collection communications in accordance with FDCPA § 1692c(c):
 - (c) Ceasing communication If a consumer notifies a debt collector in writing that the consumer <u>refuses to pay a debt</u> or that the consumer wishes the debt collector to cease further

- communication with the consumer, the debt collector shall not communicate further with the consumer with respect to such debt.
- 14. Notwithstanding, on March 20, 2015 at approximately 1258, Defendant again called Plaintiff.
- 15. Plaintiff immediately protested reminding Defendant it had indeed received his March 2, 2015 letter (Exhibits 1 and 2).
 - 16. Defendant's collector then harshly advised the calls would continue.
 - 17. Plaintiff hung up.
- 18. Defendant's threat to keep calling was made in violation of FDCPA §§ 1692e(5) and 1692d(5).
- 19. Defendant's March 20, 2015 call was made in violation of FDCPA §§ 1692c and 1692d.
- 20. The foregoing acts and omissions of Defendant were undertaken by it willfully, maliciously, and intentionally, knowingly, and/or in gross or reckless disregard of the rights of Plaintiff.
- 21. Indeed, the foregoing acts and omissions of Defendant were undertaken by it indiscriminately and persistently, as part of its regular and routine debt collection efforts, and without regard to or consideration of the identity or rights of Plaintiff.
- As a proximate result of the foregoing acts and omissions of Defendant, Plaintiff has suffered actual damages and injury, including, but not limited to, stress, humiliation, mental anguish and suffering, and emotional distress, for which Plaintiff should be compensated in an amount to be proven at trial.
- 23. As a result of the foregoing acts and omissions of Defendant, and in order to punish Defendant for its outrageous and malicious conduct, as well as to deter it from committing similar acts in the future as part of its debt collection efforts, Plaintiff is entitled to recover punitive damages in an amount to be proven at trial.

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CAUSES OF ACTION

COUNT I

- 24. The foregoing acts and omissions of Defendant constitute violations of the FDCPA, including, but not limited to, Sections 1692c, 1692d and 1692e.
- 25. Plaintiff is entitled to recover statutory damages, actual damages, reasonable attorney's fees, and costs.

COUNT II

- 26. The foregoing acts and omissions constitute unreasonable debt collection practices in violation of the doctrine of Invasion of Privacy. Kuhn v. Account Control Technology, Inc., 865 F. Supp. 1443, 1448-49 (D. Nev. 1994); Pittman v. J. J. Mac Intyre Co. of Nevada, Inc., 969 F. Supp. 609, 613-14 (D. of Nev. 1997).
- 27. Plaintiff is entitled to recover actual damages as well as punitive damages in an amount to be proven at trial.

JURY DEMANDED

Plaintiff hereby demands trial by a jury on all issues so triable.

WHEREFORE, Plaintiff prays that this Honorable Court grant the following relief:

- 1. Award actual damages.
- 2. Award punitive damages.
- 3. Award statutory damages of \$1,000 pursuant to 15 U.S.C. § 1692k.
- 4. Award reasonable attorney fees.
- Award costs.
- 6. Grant such other and further relief as it deems just and proper.

MITCHELL D. GLINER, ESQ. Nevada Bar #003419

3017 W. Charleston Blvd. #95 Las Vegas, Nevada 89102

March 2, 2015

Via Certified Mail

Medical Revenue Service P.O. Box 1149 Sebring, FL 33871

Dear Sir,

I enclose your February 23, 2015 correspondence.

It is not my intent to dispute this debt. I lack adequate income. This is neither a request for validation nor dispute, but rather, a refusal to pay. My very few resources are focused on the support of my young son. I will most certainly let you know if anything changes.

Thank you in advance for your anticipated courtesy.

Sincerely,

Jason Kennedy

Enclosure

MEDICAL REVENUE SERVICE P.O. BOX 1149 SEBRING, FL 33871 Toll Free Number (866) 631-4680 Pay your bill online at https://payment.meddatsys.com

02/23/2015 -

Medical Revenue Service is a collection agency. The account(s) indicated below has been placed with our office for collection.

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice that you dispute the validity of this debt or any portion thereof, this office will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request this office in writing within 30 days after receiving this notice this office will provide you with the name and address of the original creditor, if different from the current creditor.

Please make your check or money order Payable to Medical Revenue Services. In order to assure proper credit to your account, include the reference number with your payment. We also accept credit card and "check by telephone" payments for your convenience. If you have any questions, you may contact one of our account representatives at the toll-free telephone number listed on this letter.

This is an attempt to collect a debt and any information obtained will be used for that purpose. This communication is from a debt collector.

Account #	Facility Name	Service Date	Balance	Patient Name
27981604	Desert Springs Hospital	03/23/2014	\$14,410.40	Kennedy, Jason

TOTAL AMOUNT DUE: \$14,410.40

Pursuant to Nevada law we are required to advise you that if a debtor pays, or agrees to pay the debt or any portion of the debt, the payment or agreement to pay may be construed as, an acknowledgment of the debt by the debtor; and a waiver by the debtor of any applicable statute of limitations set forth in NRS 11.190 that otherwise precludes the collection of the debt. If the debtor does not understand or has questions concerning his legal rights or obligations relating to the debt, the debtor should seek legal advice. Our hours of operation are 8AM to 7PM Monday through Friday Eastern Standard Time. Nuestras horas laborales son de 8AM a 7PM de lunes a viernes.

...PL15

P.O. BOX 1149 SEBRING, FL 33871

02/23/2015

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39809*TAF0QICFQ000510

Reference 27981604 Toll Free Number (866) 631-4680

Total Amount Due \$14,410.40

Page 1 of 1

Pay your bill online at								
https://payment.meddatsys.com								
CHECK CARD USING FOR PAYMENT								
	DISCOVE #							
CARD NUMBER		SK	SIGNATURE CODE					
AMOUNT		EXP. DATE	-					
SIGNATURE								
MAKE CHECK PAYABLE AND REMIT TO:								

DESERT SPRINGS HOSPITAL PO BOX 31001-0827 PASADENA, CA 91110-0827

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Customer Service > Have questions? We're here to help.

Tracking Number: 70052570000034757811

Product & Tracking Information

Postal Product:

DATE & TIME

STATUS OF ITEM

LOCATION

March 7, 2015 , 1:50 pm

Delivered

SEBRING, FL 33870

Your item was delivered at 1:50 pm on March 7, 2015 in SEBRING, FL 33870.

March 7, 2015, 1:01 am

Departed USPS Facility

SARASOTA, FL 34260

March 6, 2015, 10:05 am

Arrived at USPS Facility

SARASOTA, FL 34260 LAS VEGAS, NV 89199

March 4, 2015, 3:49 am March 3, 2015, 8:35 pm Departed USPS Facility Arrived at USPS Facility

LAS VEGAS, NV 89199

Available Actions

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Email Updates

Return Receipt After Mailing

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Tracking (or receipt) number



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EXHIBIT 2